IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 58 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NATHUSING ANUJI DARBAR

Versus

MOHANBHAI BIJALBHAI

Appearance:

1. Civil Revision Application No. 58 of 1998

MR JT TRIVEDI for Petitioner No. 1

MS DEVYANI N DAVE for Petitioner No. 1

MR BJ TRIVEDI for Petitioner No. 1

MRS KRISHNA G RAWAL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/09/2004

ORAL JUDGEMENT

1. Mr. J.T. Trivedi, learned advocate for the petitioner states that in order to file a substantive suit on title before the appropriate Court, he wants to withdraw this Civil Revision Application. He requested

that interim relief granted earlier may be continued for some time so that in the meanwhile the petitioner can file appropriate proceedings before the appropriate Court.

2. Learned advocate Ms. Rawal states that the respondent No. 1 shall not take any action for executing and implementing the order passed by the Court in PSRP Proceedings for a period of one month from today. Ms. Rawal states that she is making this statement on instruction of the respondent No.1, who, according to her, is present in the Court. In view of the aforesaid statement, the interim relief is not required to be extended.

3. The petitioner is permitted to withdraw this Civil Revision Application. It is further clarified that if any substantive civil suit is filed, and if any application for interim relief is filed therein, the same shall be decided by the Court below without being influenced by the fact that the interim relief was granted during the pendency of this Civil Revision Application or that a statement is made today by the respondent No. 1 not to take action for a month for implementation and execution of the order, and it is needless to say that such application, if any, shall be decided on its own merit.

4. This Civil Revision Application stands disposed of as withdrawn. Rule is discharged. No order as to costs. Interim Relief stands vacated subject to what is stated hereinabove.

mathew [P.B.MAJMUDAR, J.]